



AN ACT ESTABLISHING PATIENT VISITATION RIGHTS; PROVIDING THAT PATIENTS IN CARE FACILITIES HAVE A RIGHT TO A MINIMUM OF 2 HOURS OF IN-PERSON VISITATION PER DAY; PROVIDING EXCEPTIONS; PROVIDING DEFINITIONS; AND REQUIRING CARE FACILITIES TO NOTIFY PATIENTS OF THEIR VISITATION RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Short title.** [Sections 1 through 4] may be cited as the "Patient Visitation Rights Act".

**Section 2. Legislative intent.** It is the intent of the legislature that:

- (1) preservation of relationships between a patient and the patient's family members and associates is essential to the health and well-being of the patient; and
- (2) a patient's need for visitation is a right that may not be superseded by other government objectives, except as provided in [section 4].

**Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

- (1) "Care facility" means a hospice, hospital, or long-term care facility.
- (2) "Hospice" has the meaning provided in 50-5-101.
- (3) "Hospital" means a hospital or critical access hospital as those terms are defined in 50-5-101.
- (4) "Long-term care facility" has the meaning provided in 50-5-101.
- (5) "Patient" means an individual receiving services from a care facility.

**Section 4. Patient visitation rights.** (1) A patient has a right to a minimum of 2 hours of in-person visitation a day, which, subject to clinical and safety restrictions, may not be limited to one visitor a day,

restricted, terminated, suspended, or waived by a care facility, the department of public health and human services, or the governor, including during a state of emergency or disaster declared by the governor.

(2) A care facility may not:

- (a) require a patient to waive the visitation rights specified in this section; or
- (b) subject to 49-2-312 and 49-2-313, impose a restriction on visitation based on a visitor's

vaccination status or require a visitor to receive a vaccination.

(3) A care facility may, consistent with the precautions required to be taken by staff and other personnel:

- (a) require a visitor to submit to health screenings necessary to prevent the spread of infectious diseases;
- (b) restrict a visitor who does not pass health screening requirements;
- (c) require a visitor to adhere to infection control procedures, including wearing personal protective equipment; and

(d) limit the number of persons in a room at one time pursuant to occupancy laws.

(4) A care facility shall post in a conspicuous place on the premises of the care facility informational materials developed by the department of public health and human services explaining the rights specified in this section.

**Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as a new part in Title 50, chapter 5, and the provisions of Title 50, chapter 5, apply to [sections 1 through 4].

- END -

I hereby certify that the within bill,  
SB 308, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

SENATE BILL NO. 308

INTRODUCED BY K. BOGNER, J. CARLSON

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